

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

GOODCO MECHANICAL, INC. AND ENERGY
STEWARDS, INC., A SINGLE EMPLOYER

Employer

and

Case 06-RC-213120

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL UNION 5,
AFL-CIO

Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision on Objections and Certification of Representative is denied, as the Employer has not raised any substantial issues warranting review.¹

MARK GASTON PEARCE, MEMBER

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

Dated, Washington, D.C. May 16, 2018

¹ In reaching this conclusion, we do not rely on the Regional Director's analysis that employees are able to understand a union cannot automatically obtain benefits by winning an election but must achieve them through collective bargaining, as the benefits identified by the Petitioner in this case (that it could provide assistance finding jobs) could not be achieved through collective bargaining but rather were benefits of union membership. We also disavow the Regional Director's reliance on *The Permanente Medical Group, Inc.*, 358 NLRB 758 (2012) and rely solely on *Smithfield Packing Co.*, 344 NLRB 1, 11 (2004), *enfd.* 447 F.3d 821 (D.C. Cir. 2006) and *Pacific Grain Products*, 309 NLRB 690, 691 (1992) for the proposition that statements are not objectionable if the party making them does not have the power to carry out the alleged threat.